

UNDERHILL DRB APPEAL PROCEDURES

Regarding the Zoning Administrator's Decision to  
Issue a Zoning Violation for the Occupation of a Building Without a Certificate of Occupancy  
Permit

January 22, 2018

**Appellants:** ReTribe Transformations

**Docket #:** DRB-18-15

State the following:

1) "This is a hearing regarding the appeal by ReTribe Transformations of the Zoning Administrator's decision to issue a zoning violation for the occupation of a building without a Certificate of Occupancy Permit at 8 Maple Leaf Road in Underhill, Vermont, asserting that the zoning violation should have not been issued, and that a Certificate of Occupancy Permit should have been issued."

The purpose of this hearing is to review the appeal and supporting documentation to determine whether or not the Zoning Administrator made an appropriate decision; to review the regulations and other municipal ordinances pertinent to the appeal application; and to determine whether alternative relief is appropriate by approving a variance.

This appeal is subject to review under the March 1, 2011 *Underhill Unified Land Use & Development Regulations*, as amended through March 6, 2018.

2) The order of speakers tonight will be:

- a. We will hear and ask questions of the Planning & Zoning Administrator;
- b. Then we will hear from and ask questions of the Appellants, and/or their representatives;
- c. Then we will give other persons in the room a chance to speak. Under our Rules of Procedure, each speaker is limited to 5 minutes; however, that time can be increased upon request to the Board and majority consent of the Board; then
- d. The Appellants will have an opportunity to respond; then
- e. Final comments will be solicited from all parties.
- f. All speakers should address their comments to the Board, not to other parties present at the hearing.
- g. Board members may feel free to ask questions of any speaker.

3) Are any State or municipal representatives present?

4) An Interested Parties Info Sheet has been provided to all attendees. Please review it for further information.

***Then state:***

"Only those interested persons who have participated, either orally or through written statements in a DRB proceeding may appeal a decision rendered in that proceeding to the Environmental Division of Superior Court."

5) If you are an applicant/applicant representative, or an interested party who wants to participate in the hearing, we will have you come up to the witness chair and clearly state your name, residential address, and mailing address if it differs.

6) I am now going to swear in all those present who wish to speak tonight. All individuals who plan to testify must take the following oath by responding **"I do"** at the end: ***"Do you hereby swear that the evidence you give in the cause under consideration shall be the whole truth and nothing but the truth under pains and penalties of perjury?"***

7) Are there any conflicts of interest or have there been any ex parte communications on the part of the Board members?

8) At this point I am going to enter into the record the information package that was sent by the Zoning & Planning Administrator prior to the hearing. The information included in this package relevant to this hearing is:

- a) Exhibit A - Appeal Application
- b) Exhibit B - Potential Zoning Violation Inquiry
- c) Exhibit C - Zoning Violation
- d) Exhibit D - Letter Requesting Zoning Violation Reversal
- e) Exhibit E - Certificate of Service
- f) Exhibit F - DRB-18-05 Conditional Use Review Decision

These exhibits are available in the ReTribe Transformations appeal file (DRB- 18-15) at the Underhill Zoning & Planning Office and on the town website.

9) We'll begin testimony, and hear from appellant.

10) Next we will hear from the Planning & Zoning Administrator.

11) Are there members of the public who would like to speak?

12) Any final comments from anyone?

13) Does the Board feel that they have enough information at this time to make a decision on the appeal?

- a. If more information is needed to make a decision on the appeal, adjourn the hearing to a time certain and outline for the appellant what is required at that continued hearing; or*
- b. If by consensus enough information has been presented to make a decision on the appeal, announce that the evidentiary portion of the hearing is closed.*

14) Does the Board wish to discuss the appeal in open or (closed) deliberative session? (After the ruling, continue with the info below.)

“Within 45 days from this hearing, the Zoning Administrator, on behalf of the DRB, will send a copy of the decision and letter to the Appellants, their consultants, and those who have participated in tonight’s hearing. A 30-day appeal period will begin on the date the decision is signed. The letter will outline the next steps in the process.

If there are no other comments or questions we will close the evidentiary portion of this hearing.”